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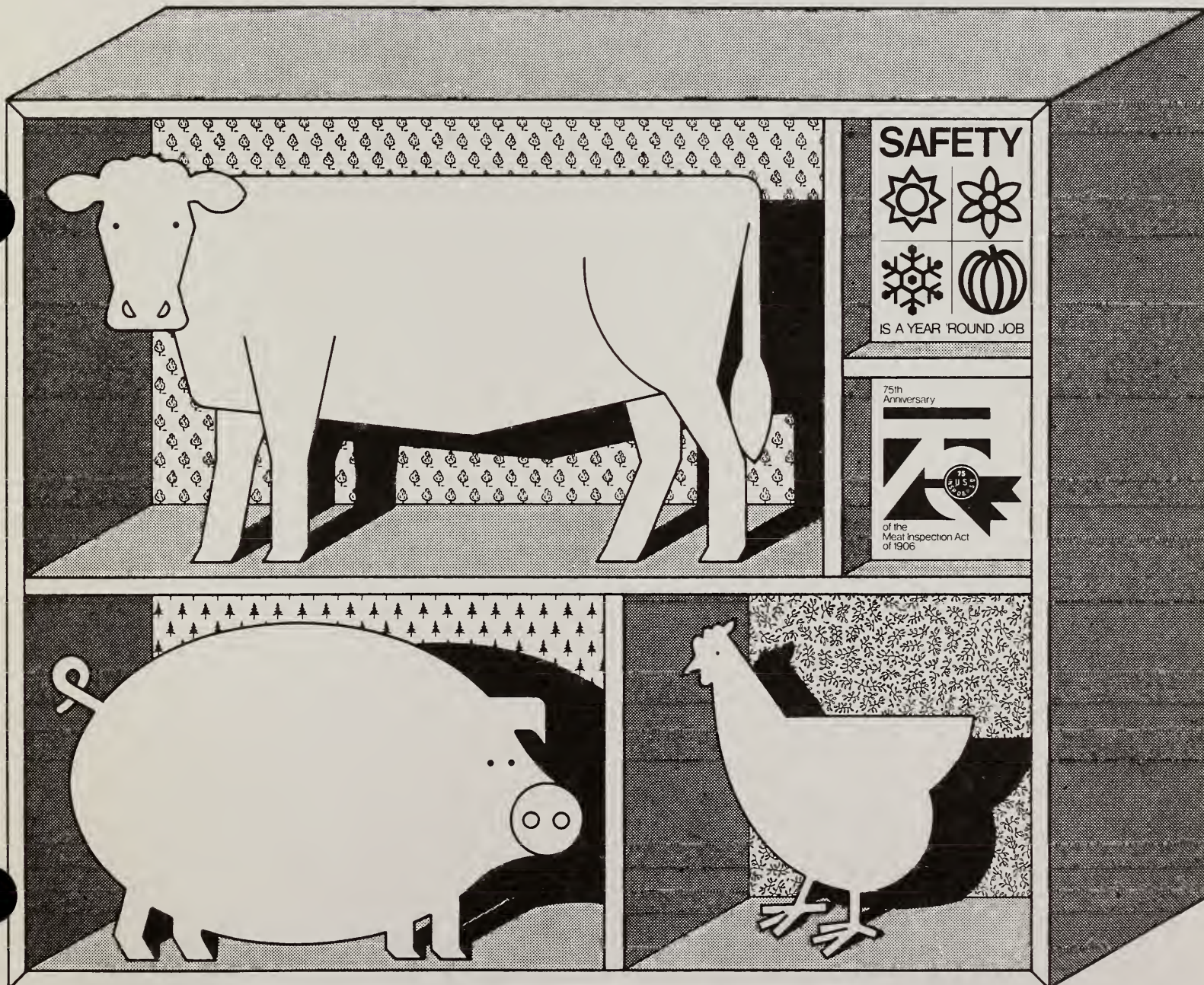
United States
Department of
Agriculture

Food Safety
and Inspection
Service

Meat and Poultry
Inspection
Program

March 1983

Issuances of the Meat and Poultry Inspection Program



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Regulations

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
Meat and Poultry Inspection
Washington, D.C. 20250

Meat and Poultry Inspection Manual

Date: March 1983

MAINTENANCE INSTRUCTIONS

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Proposed Rule

Federal Register

Vol. 48, No. 48

Thursday, March 10, 1983

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 80-054P]

Trichina Control Requirements

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal meat inspection regulations require manufacturers to subject pork muscle tissue to a treatment which will kill any possible live trichinae, when that tissue or the product in which it is used may not be well cooked before consumption. Trichinae are microscopic parasites which cause a serious and sometimes fatal disease, known as trichinosis, in humans. Several treatment methods (heating, freezing, salting, and drying) are prescribed for trichina destruction. This proposal would permit additional treatment methods by providing alternate combinations of time, temperature, and salt content which are equally effective in destroying trichinae. This would provide the industry with greater flexibility in meeting the requirements for trichina control.

DATE: Comments must be received on or before May 9, 1983.

ADDRESS: Written comments to: Regulations Office, Attention: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Director, Processed Products Division, Meat and Poultry Inspection Technical Service, Food Safety and Inspection Services, U.S. Department of Agriculture, Washington, DC 20250, (202) 477-3840.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator, Food Safety and Inspection Service (FSIS), has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. This proposed rule would not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, FSIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, it would allow more flexibility for the industry in meeting FSIS requirements for trichinae control without imposing any additional burdens, costs or requirements on small entities.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should reference the docket number located in the heading of this document. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Trichinosis is a disease affecting human beings that is caused by microscopic threadlike worms called trichinae (*Trichinella spiralis*), which live in muscles of hogs. Humans contract trichinosis by eating pork or pork product which has not been cooked sufficiently to destroy the trichinae. The number of live trichinae in the pork or pork product that is eaten usually determines the seriousness of the disease. Of those who contract proven cases of trichinosis, about 2 percent die. Most patients, even those who are severely infected, eventually recover.

However, in many severe cases, the symptoms become chronic, with the infected persons experiencing substantial pain and discomfort for years.

Live trichinae are not detectable in swine or pork or pork product by the unaided eye or by any other routine meat inspection procedures. (Microscopic and serological techniques for the detection of trichinae are available, but they are either too costly or not yet developed to the point where they can be used during routine inspection.) However, means are available to destroy the live trichinae in the pork or pork product. These means include heating, curing (salting), or freezing. The Federal meat inspection regulations currently require that pork products that are ordinarily not well cooked before consumption, or the pork muscle tissue used as an ingredient in such products, undergo one of these treatment methods to destroy possible live trichinae. Fresh pork and such other pork products as bacon, which are customarily well cooked in the home or elsewhere before eating, have been exempt for many years from treatment at the packing plant to destroy the trichinae.

Proposal

The Department has conducted a thorough review of the trichina treatment requirements for pork and pork products and has determined that certain revisions would permit greater flexibility in freezing and curing methods while continuing to assure the destruction of trichinae.

This proposal also responds to a December 21, 1981, petition from the Livestock Conservation Institute to review the requirements for treating raw pork used in manufacturing of dry sausages for possible live trichinae.

The Department is proposing regulations which would continue to ensure that pork and pork products are free of live trichinae while permitting processors to use a greater variety of time, temperature, and salt combinations than those in the present regulations. For example, one of the present methods for curing ham requires that, after the salt has been added, the hams shall be dried or smoked not less than 10 days at a temperature not lower than 95° F. There is no variation allowed in the present regulations (9 CFR

318.10(c)(3)(iv)) from this time and temperature. However, it has been scientifically determined that there are a number of salt content, time and temperature combinations that would be equally effective at destroying live trichinae in ham (e.g., drying or smoking the ham at a temperature of 85° F. for a period of 18 days). The proposed regulations would, accordingly, incorporate into the present regulations a greater variety of methods for the treatment of pork and pork products to destroy trichinae. All of the current treatment methods would be retained as available options.

The proposed regulations would principally affect the trichinae treatment methods by (1) providing alternate times and temperatures for the controlled freezing of pork and pork products, (2) providing alternate combinations of salt content time and temperature for the processing of sausage, and (3) providing alternate combinations of time and temperature for the processing of hams and pork shoulders.

Specifically, the proposed amendments to the present Federal meat inspection regulations would:

1. Revise the current freezing requirement by replacing the -30° F. requirement with a time-temperature schedule which is based on USDA experimental data. In the proposed method, the term "controlled freezing" would be used in lieu of the current term "refrigeration" since freezing is a more technically correct description of the process.

2. Add a new method to be known as "Method No. 6" to the five approved methods for curing sausage. The new method would provide basic time and sausage diameter ratios, with adjustments based on reductions in salt content plus the time and temperature of the fermentation or smoking process.

3. Add a new method to be known as "Method No. 3" to the present trichinae treatment procedures for hams and pork shoulders. This proposed method would provide basic salt curing times and temperatures with optional drying times based on the holding temperature or smoking and holding temperature.

The treatment methods set in the present and the proposed regulations for freezing time and temperature, drying time, size of sausages, amount of salt, etc., were derived from studies using pork from swine experimentally infected with live trichinae. The data used in the present, as well as the proposed, regulations were compiled over a number of years by USDA, university

and industry scientists. A listing of published material is provided.¹

After careful evaluation of the present regulations, technological development in the industry, and the reliability of the procedures and data supporting this proposal, the Department is proposing to revise Part 318 of the Federal meat inspection regulations (9 CFR Part 318) regarding treatment methods for destroying trichinae in pork and pork products.

List of Subjects in 9 CFR Part 318

Meat inspection, Preparation of products.

PART 318—[AMENDED]

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 801 *et seq.*, 33 U.S.C. 1254.

2. Paragraph (c) of § 318.10 of the Federal meat inspection regulations (9 CFR 318.10(c)) would be amended by revising paragraph (c)(2)(iv) to expand refrigeration time and temperature ranges; by adding to paragraph (c)(3)(i) a new method for curing sausage to be designated Method No. 6; and by adding to paragraph (c)(3)(iv) a new method for curing ham and pork shoulder picnics to be designated Method No. 3. to read as follows:

§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

* * * * *

(c) * * *

(2) * * *

¹References for Trichinae Control:

(1) Low Temperature Treatment for Pork. Effect of Certain Low Temperatures on Viability of Trichinae Larvae, by S. E. Gould and Laurin J. Kaasa, *American Journal of Hygiene*, Vol. 49 (1949).

(2) Salt and Aging Time Effect on the Viability of Trichinae Spiralis in Heavy Dry Cured Hams and Shoulders, by John D. Crouse and James D. Kemp, *Journal of Food Science*, Vol. 34 (1969).

(3) The Effect of Various Salt Concentrations on Encysted Trichinella Spiralis Larvae, by Rex Allen, MS and Aaron Goldberg, Ph.D., *American Journal of Veterinary Research*, May 1962.

(4) Salt Cure and Drying and Temperature Effects on Viability of Trichinella Spiralis in Dry Cured Hams, by W. J. Zimmermann, *Journal of Food Science*, Vol. 36 (1971).

(5) Report of the Richmond Study on Dry Curing of Hams, by Dr. D. E. Zinter—Pathology Branch—USDA, August 1967.

(6) Effects of Salt Cure and Processing Time and Temperature on the Viability of Trichinella Spiralis in Country Cured Hams and Shoulders, by John Charles Olson, A Thesis for Master of Science, Iowa State University, 1972.

(7) USDA Bulletin N. 880 Professional Paper, Effects of Pork Curing Processes on Trichinae, by B. H. Ransom, B. Swartz and H. B. Raffensperger, Sept. 1920.

(iv) In lieu of the methods prescribed in Table 1, the treatment may consist of commercial freeze drying or controlled freezing, at the center of the meat pieces, in accordance with the times and temperatures specified in Table 2.

TABLE 2.—Alternate Periods of Freezing at Temperatures Indicated

Temperature (minimum degrees fahrenheit)	Time (minimum hours)
0.....	106
-5.....	82
-10.....	63
-15.....	49
-20.....	35
-25.....	22
-30.....	8
-35.....	½

* * * * *

(3) * * *

(i) * * *

Method No. 6. (a) Drying Room Schedule. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3¼ pounds of salt to each hundred weight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After the curing mixture has been added, the sausage shall be held in a stuffed or unstuffed state for a period of not less than 48 hours at a temperature not lower than 35° F. The sausage shall then be held for the remainder of the curing period in a drying room at a temperature not lower than 50° F. for the period given in the schedule contained in Table 3a.

Trichinae Treatment of Sausage by Method No. 6

TABLE 3A.—DRYING ROOM SCHEDULE

Diameter of casing at time of stuffing (inches)	Days in drying room
Up to:	
1.....	14
1½.....	15
2.....	16
2½.....	18
3.....	20
3½.....	23
4.....	25
4½.....	30
5.....	35
5½.....	43
6.....	50

(b) Fermentation or Smoking Schedule. While the product is being held for 48 hours at a temperature not lower than 35° F (after adding curing materials), it may be smoked or fermented in a stuffed or unstuffed state. If, during the smoking or fermentation process, the temperature of the room is increased to 70° F. or higher,

the subsequent drying room times prescribed for this method may be reduced

according to the schedule contained in Table 3b.

Trichinae Treatment of Sausage by Method No. 6

TABLE 3B.—FERMENTATION OR SMOKING SCHEDULE

(Percentage reduction in drying room time (table 3a) permitted by smokehouse or fermentation room times and temperatures.²)

Minimum time (hours)	Minimum temperature (percent)					
	70° F.	80° F.	90° F.	100° F.	110° F.	120° F.
24	4	8	15	37	99	(—) ²
48	9	18	35	88	(—) ²	(—) ²
72	14	28	55	(—) ²	(—) ²	(—) ²
96	19	38	75	(—) ²	(—) ²	(—) ²
120	24	48	95	(—) ²	(—) ²	(—) ²

¹ In computing the days to be deducted, the number with any fraction shall be rounded to the next lower whole number and shall be deducted from the required total drying time. Example: Sausage stuffed in 3" diameter casing requires 20 days in the drying room (from Drying Room Schedule). If allowed to ferment after addition of curing materials at 80° F. for 48 hours, the 20 day drying time may be reduced 18% (from Fermentation or Smoking Schedule). Eighteen percent of 20 days equals 3.6 days. Twenty days minus 3 days equals 17 days. The total drying time required in the drying room, therefore, will be 17 days.

² Trichinae will be destroyed during fermentation or smoking at the temperature and length of time indicated. Therefore, no drying room period is required for products so treated.

(c) *Reduced Salt Content—Drying Room Schedule.* Salt content of less than 3½ pounds for each hundredweight of sausage may be permitted provided the drying room temperature is not lower than 50° F. and the drying time is increased according to the schedule contained in Table 4.

Trichinae Treatment of Sausage by Method No. 6

TABLE 4.—REDUCED SALT CONTENT—DRYING ROOM SCHEDULE

(Required percentage increase in drying room time (table 3a) for salt content of less than 3½ pounds per hundredweight of sausage)

Minimum pounds of salt added to sausage	Increase in drying room time percent ¹
3.0	10
2.5	25
2.0	40

¹In computing the days to be added to the required total drying time, fractions shall be rounded to the next higher whole number and added to the required total drying time. Example: Sausage stuffed in 3½ inch diameter casing requires 23 days in the drying room (from Drying Room Schedule). If the quantity of salt added per hundredweight of sausage is 2 pounds instead of 3½ pounds, the drying room time must be increased by 40 percent (from Salt Content—Drying Room Schedule), or 9.2 days. The 9.2 is rounded up to 10 days and is added to the 23 days to equal 33 days. The total drying time required in the drying room, therefore, will be 33 days.

* * * * *

(iv) * * *

Method No. 3. Hams and pork shoulders (whether whole shoulder or part) weighing 20 pounds or under shall be cured by a dry salt process for not less than 40 days at a temperature not lower than 35° F. during which the product is covered with salt. For hams and pork shoulders weighing more than 20 pounds, the time in salt shall be 40 days plus 2 additional days, covered by salt, for each pound in excess of 20 pounds. Time in an equalization phase may substitute for time in salt; however, such substitution may not account for more than 10 days. (The term

"equalization," as used here, is the process of salt diffusion through the meat after any excess salt has been removed from the surface of the product.) The hams and pork shoulders shall be placed in a quantity of salt sufficient to cover each piece. Additional salt shall be applied thoroughly to the lean meat side of each piece. At least once during the curing process, the hams and pork shoulders shall be turned over and covered with fresh salt. When placed in cure, if desired, the product may be pumped with a brine solution of not less than 100° strength (salometer). After completion of the salting and equalization process, the hams and pork shoulders may be washed or sprayed to remove the surface salt, but they shall not be subjected to any other treatment designed to remove salt from the meat. After curing, the hams and pork shoulders shall then be dried or smoked, or both, according to the applicable time-temperature schedule contained in Table 5 or in Table 6.

Trichinae Treatment of Unsmoked Hams and Pork Shoulders

TABLE 5.—DRYING SCHEDULE

Minimum temperature of drying room	Minimum days in drying room after curing
130° F.	1½
125° F.	2
120° F.	3
115° F.	4
110° F.	5
105° F.	6
100° F.	7
95° F.	9
90° F.	11
85° F.	18
80° F.	25
75° F.	35
70° F.	40
65° F.	53
60° F.	65
55° F.	78
50° F.	90
45° F.	100
40° F.	130
35° F.	160

Trichinae Treatment of Smoked Hams and Pork Shoulders

TABLE 6.—SMOKING AND DRYING SCHEDULE

Minimum days (1 day=24 Hours) smoking time after curing (at minimum smokehouse temperature)	Minimum days drying time after smoking (at minimum drying room Fahrenheit temperature)										
	85°	80°	75°	70°	65°	60°	55°	50°	45°	40°	35°
130° F:											
1/2.....	12	17	24	27	36	44	52	60	67	84	94
1.....	6	9	12	14	18	21	26	30	35	42	47
1 1/2.....	0	0	0	0	0	0	0	0	0	0	0
120° F:											
1.....	12	17	24	27	36	44	52	60	67	84	94
2.....	6	9	12	14	18	21	26	30	35	42	47
3.....	0	0	0	0	0	0	0	0	0	0	0
110° F:											
1.....	15	20	28	32	43	52	63	72	80	100	112
2.....	11	15	21	24	32	39	47	54	60	75	80
3.....	7	10	14	16	21	26	31	36	40	50	56
4.....	4	5	7	8	11	13	16	18	20	25	28
5.....	0	0	0	0	0	0	0	0	0	0	0
100° F:											
1.....	16	22	30	35	46	56	67	77	86	107	120
2.....	13	18	25	29	38	47	56	65	72	90	100
3.....	11	15	20	23	31	38	45	52	58	72	80
4.....	8	11	15	18	23	28	34	39	43	54	60
5.....	6	8	10	12	16	19	23	26	29	36	40
6.....	3	4	5	6	8	10	12	13	15	18	20
7.....	0	0	0	0	0	0	0	0	0	0	0
90° F:											
1.....	17	23	32	37	49	59	71	82	91	114	128
2.....	15	21	29	33	44	54	64	74	82	100	115
3.....	13	19	26	30	39	48	57	66	73	91	102
4.....	12	16	23	26	34	42	50	58	64	80	89
5.....	10	14	20	22	29	36	43	50	55	69	77
6.....	9	12	16	19	25	30	35	41	46	57	64
7.....	7	9	13	15	20	24	29	33	37	46	51
8.....	5	7	10	11	15	18	22	25	28	35	39
9.....	4	5	7	8	10	12	15	17	19	23	26
10.....	2	3	4	4	5	6	8	9	10	12	13
11.....	0	0	0	0	0	0	0	0	0	0	0
80° F:											
1.....	17	24	34	39	51	63	75	87	96	120	135
2.....	17	23	33	37	49	60	72	83	92	115	129
3.....	16	22	31	36	47	50	60	69	78	110	124
4.....	16	21	30	34	45	55	66	76	84	105	118
5.....	15	20	28	32	43	53	63	72	80	100	112
6.....	14	19	27	31	41	50	60	69	78	95	107
7.....	13	16	26	29	39	47	57	65	72	90	101
8.....	13	17	24	28	36	45	54	62	68	85	96
9.....	12	16	23	26	34	42	50	58	64	80	90
10.....	11	15	21	24	32	39	47	54	60	75	84
11.....	10	14	20	23	30	37	44	51	58	70	79
12.....	10	13	19	21	28	34	41	47	52	65	73
13.....	9	12	17	20	26	32	38	44	48	60	68
14.....	8	11	16	18	24	29	35	40	44	55	62
15.....	6	10	14	16	22	26	32	36	40	50	56
16.....	7	9	13	15	19	24	28	33	36	45	51
17.....	6	8	12	13	17	21	25	29	32	40	45
18.....	5	7	10	12	15	19	22	26	28	35	40
19.....	5	6	9	10	13	16	19	22	24	30	34
20.....	4	5	7	8	11	13	16	18	20	25	28
21.....	3	4	6	7	9	11	13	15	16	20	23
22.....	3	3	5	5	7	8	10	11	12	15	17
23.....	2	2	3	4	5	6	7	8	9	10	12
24.....	1	1	2	2	3	3	4	4	4	5	6
25.....	0	0	0	0	0	0	0	0	0	0	0

Done at Washington, D.C., on: February 24, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
Meat and Poultry Inspection
Washington, DC 20250

MEAT AND POULTRY INSPECTION REGULATIONS

Date: MARCH 1983 Change Number: 83-3

MAINTENANCE INSTRUCTIONS

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SUBCHAPTER A - MEAT INSPECTION REGULATIONS

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SUBCHAPTER C - POULTRY INSPECTION REGULATIONS

24a and 24b 24a and 24b

NOTE: Correction--The Maintenance Instructions of the February 1983 regulation changes failed to list page 74a of the poultry products inspection regulations under the "Remove Page" column. Please remove that page as the new page 75 contains that same material.

Effective Date:

Revision of the Basic
Workweek: 4-18-83

(§ 307.2(e) continued)

trucks or receptacles to be marked in a conspicuous manner with the phrase "U.S. condemned" in letters not less than 2 inches high, and, when required by the circuit supervisor, to be equipped with facilities for locking or sealing;

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise;

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted (competent assistants for handling retained carcasses and parts shall be provided by the establishment; final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts; they shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection; the floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise);

(h) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection (these shall be in such number and in such locations as the needs of the inspection in the establishment may require; they shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks shall not leave the custody of Program employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U.S. retained" in letters not less than 2 inches high; rooms or compartments for these purposes shall be secure and susceptible to being kept clean, including a sanitary disposal of the floor liquids; establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by Program employees);

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter (tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as specified by the regulations in Part 314 of this subchapter or by the circuit supervisor in specific cases);

(j) Docks and receiving rooms, to be designated by the operator of the official establishment, with the circuit supervisor, for the receipt and inspection of all products as provided in § 318.3 of this subchapter;

(k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use (all such lockers shall be equipped for sealing or locking with locks or seals to be supplied by the Department; the keys of such locks shall not leave the custody of Program employees);

(l) Sanitary facilities and accommodations as prescribed by § 308.4 of this subchapter.

(m) In addition to any facilities required to accomplish sanitary dressing procedures, the following inspection station facilities for cattle and swine slaughter lines described in § 310.1(b) of this subchapter are required:

(§ 307.2(m) cont'd.)

(1) An inspection station consisting of 5 feet of unobstructed line space for each head or carcass inspector and, for viscera table kills, 8 feet for each viscera inspector on the inspector's side of the table.

(2) A minimum of 50 foot-candles of shadow-free lighting at the inspection surfaces of the head, viscera, and carcass.

(3) A handwash lavatory (other than one which is hand operated), furnished with soap, towels, and hot and cold water, and located adjacent to the inspector's work area. In addition, for each head and viscera inspector on cattle slaughter lines, and each head inspector on swine slaughter lines, a sterilizer located adjacent to the inspector's work area.

(4) For mechanized operations, a line control switch located adjacent to each inspection station.

(5) Facilities to position tally sheets or other recording devices, such as digital counters, and facilities to contain condemned brands.

(6) For swine slaughter lines requiring three or more inspectors and on which the swine heads are inspected while still attached to the carcass: at the carcass inspection stations, one glass or plastic, distortion-free mirror, at least 5 feet x 5 feet, mounted far enough away from the vertical axis of the moving line to allow the carcass to be turned, but not over 3 feet away and so mounted that any inspector standing at the carcass inspection station can readily view the back of the carcass.

§ 307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

Inspectors shall furnish their own work clothing and implements, such as flashlights and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 308.8 of this subchapter.

§ 307.4 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of a Program employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal need, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 307.5: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Sunday through Saturday, excluding the lunch period; except that, when possible, the Department shall schedule the

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* basic workweek so as to consist of 5 consecutive 8-hour days Monday through *
* Friday, excluding lunch period. The Department may depart from the basic *
* workweek in those cases where maintaining such a schedule would seriously *
* handicap the Department in carrying out its functions. *

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved; Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after completion of his daily tour under the provisions of § 307.6(b).

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

§ 307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5(a), in increments of full quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Program employee.

(§ 307.6 cont'd.)

(b) Official establishments, importers, or exporters requesting and receiving the services of a Program employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

(§ 381.37 continued)

than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 381.38: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Sunday through Saturday, excluding the lunch period; except that, when possible, the Department shall schedule the basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday, excluding lunch period. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its functions.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving changes in the workweek or an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge if such request is received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.39(b).

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall be the holiday.

§ 381.39 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate established in § 381.38(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Inspection Service employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of an Inspection Service employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

§ 381.40 (Reserved)

§ 381.41 (Reserved)

§ 381.42 (Reserved)

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